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C O N F I D E N T I A L SECTION 01 OF 05 HANOI 000898

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SUBJECT: AMBASSADOR AND VFM BANG DISCUSS TRIET VISIT, HUMAN RIGHTS, A/S HILL VISIT AND OTHER BILATERAL ISSUES

Classified By: Ambassador Michael W. Marine, Reasons 1.4 (b/d)

¶1. (C) Summary: At a May 15 dinner with Vice Foreign Minister (VFM) Le Van Bang and other MFA officials, the Ambassador stressed that time is short for the two sides to reach agreements on potential deliverables to ensure a successful visit by President Nguyen Minh Triet. The two sides discussed human rights at length, with the Ambassador urging the GVN to take steps responsive to calls from the USG and others. VFM Bang reported that Vietnam is considering several measures to reduce tensions in this area, including amnesty for Nguyen Vu Binh, a cessation of arrests and unspecified "action" on the case of Le Quoc Quan.

¶2. (C) The Ambassador raised the items the USG would like as deliverables, including a TIFA, commercial deals, increased cooperation in law enforcement and rule of law/good governance programs. Although making no specific commitments, the MFA officials acknowledged the need to make progress quickly, and as a first step, offered to prepare the initial draft of a Joint Statement. The Ambassador also raised other bilateral issues such as the new embassy compound, adoptions and a bilateral work agreement. End Summary.

¶3. (C) At a May 15 dinner meeting, the Ambassador met with Ministry of Foreign Affairs (MFA) Vice Minister Le Van Bang and Americas Department Director General Pham Van Que to discuss ways to advance preparations for President Nguyen Minh Triet's June visit to Washington. Stressing that only five weeks remain before the visit, the Ambassador pressed VFM Bang for a list of Vietnam's priorities. In response to Bang's discussion of a Joint Statement, the Ambassador said that a statement will require positive and concrete contents. It will be important to address human rights concerns and to have a list of specific deliverables to ensure that our Presidents' meeting will be a success, he added.

¶4. (C) VFM Bang began by reflecting on the progress in our bilateral relations over the past three years of the Ambassador's tenure, concluding by stating that our relations are at a "high mark" politically and diplomatically, our economic ties are expanding rapidly and the relationship has even grown to include cooperation on military and security issues. He said that the Government of Vietnam (GVN) shares the desire to ensure a highly successful visit by President Triet (even more successful than the 2005 visit of then-PM Phan Van Khai, he hoped), and is "working hard" to conclude agreements on a list of deliverables - commercial and otherwise. Vietnam expects this visit will continue to expand, deepen and broaden our relationship in the interest of both countries.

Triet Visit Logistics

15. (C) Vietnam is considering sending an advance team to Washington by the end of May to prepare for President Triet's visit. The advance team would likely be headed by VFM Bang's probable successor, AFM Pham Binh Minh. The MFA officials said the Embassy in Washington would be reaching out to the Department in the next day or two to discuss the possibility of an advance team.

16. (C) While travel plans are not final, President Triet and his delegation intend to leave Hanoi for New York City on June 18 or 19. They will remain in New York for one or two days, arriving in Washington on June 21. Following Triet's June 22 meetings at the White House and elsewhere in Washington, he will depart late that evening or early June 23 for a day of meetings in Los Angeles (the timing depends upon the scheduling of a requested meeting with the mayor). Triet and the delegation will return to Hanoi from Los Angeles. Despite earlier considerations, Triet will not visit Canada on this trip. The MFA officials do not yet have a final list of the delegation members, but offered to provide the USG with that list and a final schedule as soon as it is available.

Joint Statement and Vietnam's Protocol Request

17. (C) The MFA officials expressed hope that President Triet and President Bush's meeting would yield a "forward-looking" Joint Statement that builds upon the November Joint Statement and outlines the landscape for closer cooperation in coming years. Noting that this would be the White House's call, the Ambassador emphasized that any Joint Statement must be

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"robust" and underscored the importance of concluding agreements on deliverables now for inclusion in that possible Statement. DG Que offered to provide a first draft this week as a jumping off point, and VFM Bang proposed that the two sides sit down "in the next week" to go through each potential deliverable in detail. Bang added that, in addition to a positive Joint Statement, the GVN hopes that the White House will agree to allow President Triet to stay at Blair House.

U.S. Deliverables

18. (SBU) Both sides agreed that the signing of a Trade and Investment Framework Agreement (TIFA) during the visit would be an important step forward in the relationship. VFM Bang and the Ambassador each expressed confidence that the TIFA would be ready by the visit, as the two sides are close to an agreement. The TIFA could be used as a platform to help Vietnam pursue possible participation in the Generalized System of Preferences (GSP) program, which DG Que acknowledged would be a long process and not something that could be announced during the June visit.

19. (SBU) Noting that we are in a position to seal a number of high-profile, high-value commercial deals, the Ambassador pressed the MFA officials for progress on agreements with Boeing, AES (power plant), Alcoa, SSA Marine (ports) and Gannon (power plants), among others. If Secretary Gutierrez is to preside over a signing ceremony in Washington, as he has indicated an interest in doing, we will need to know what contracts will be included. Que assured the Ambassador that, at the direct order of the Prime Minister, the GVN is "working hard" to make a final determination on these deals. VFM Bang reported that the Prime Minister personally mentioned to him that Boeing had improved its loan offer to now be in line with the Airbus offer, which he described as an encouraging sign. The officials could make no additional commitments beyond the assurance that the GVN continues to

work these issues.

¶10. (SBU) Recent discussions between the Embassy and the MFA have yielded some progress on amending an existing Letter of Agreement (LOA) to include intellectual property protection technical assistance to Vietnam's Customs Department, the Ambassador said. The U.S. side would be coming back with amended language shortly, and signing the LOA would be ideal to mention in a possible Joint Statement, he said.

¶11. (SBU) Agreement to expand cooperative law enforcement efforts would contribute to the success of the President's visit, the Ambassador continued. Although cooperation between law enforcement agencies has improved, more work can be done in information sharing. Anti-money laundering (AML) is one example where we can work together. Upon request, the United States is willing to provide comments on Vietnam's existing AML law and work with Vietnam to make it more effective. The USG also strongly supports Vietnam's interest in joining the Asia Pacific Group's Financial Action Task Force for Asia and encourages Vietnam to formalize its membership as soon as possible, the Ambassador said.

¶12. (SBU) Some progress has also occurred on discussions to begin a Peace Corps program in Vietnam, the Ambassador noted.

It is clear that Vietnam has considered the Peace Corps' requests, and we have conveyed the GVN's latest ideas to Washington, the Ambassador explained. We are now awaiting the response. The Ambassador will meet with Minister of Finance Ninh this week, and will raise the question of immunities, privileges and taxes for Peace Corps volunteers.

Vietnam's Deliverables

¶13. (SBU) For its part, Vietnam is requesting assistance from the United States to set up a world-class university, VFM Bang said. DG Que claimed that the Ministry of Education and Training (MOET) submitted a concept paper to Washington during DPM/FM Khiem's March visit. GVN officials will be meeting with Harvard University during their trip to the United States. Pursuing contacts with the private sector, including universities like Harvard, is the right approach, explained the Ambassador. He agreed to note Vietnam's interest in including language on this issue in a possible Joint Statement and requested from Que a copy of MOET's concept paper to share with relevant USG agencies.

¶14. (SBU) DG Que also raised the possibility that the

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Ministry of Posts and Telematics (MPT) may sign an agreement with Microsoft in Washington to purchase licensed versions of Microsoft Office. He noted that Microsoft is pushing to sign the agreement during a planned visit to Vietnam by its CEO, Steve Ballmer, before President Triet's visit, but is uncertain if that would happen. In either case, this agreement would be an important symbol of Vietnam's commitment to protect intellectual property rights and something they hope to include in a possible Joint Statement.

¶15. (SBU) Vietnam's Ministry of Science and Technology (MOST) has also made progress in its work with the U.S. Department of Energy on the use of nuclear technology for peaceful purposes. Que underscored that MOST and DOE are happy with their cooperation, and this could also be an item for inclusion in the Joint Statement.

¶16. (SBU) Vietnam would also like to build upon the dioxin language in the November joint statement by offering something new in June, VFM Bang said. Language on new cooperation on de-mining and the clearance of unexploded ordinance would also be welcome, DG Que added.

Human Rights

¶17. (SBU) Introducing the main topic for discussion during the two-hour meeting, Ambassador Marine told VFM Bang that the economic progress and potential commercial deals notwithstanding, human rights issues are now attracting more attention in the United States than at any other point in his tenure in Vietnam. The GVN should find a constructive way to address USG concerns over its recent crackdown, which will certainly be a significant topic of discussion during the Triet visit. He pointed to the recent release of Phan Van Ban as evidence that the two sides can cooperate together.

¶18. (SBU) VFM Bang recognized that the two sides view the issue from different perspectives, explaining that the recent arrests arose from concerns over Vietnam's security. He raised the war legacy and the fear that former South Vietnam soldiers and others are working to organize groups or parties not only to change the way the GVN operates, but also to overthrow the government entirely. This would "threaten the stability and security of Vietnam." Vietnam looks to separatist movements and terrorist elements in other Southeast Asian nations and draws the strong lesson that its first priority must be safety and stability, and that any changes in its system of governance will have to come slowly and systematically to avoid political instability.

¶19. (SBU) While the United States may view human rights as an important issue, Vietnam accords the matter less weight, viewing it as "only one of many" issues between our countries, Bang said. He also requested that the United States consider religious freedom and human rights as two separate issues. Vietnam would like to prevent human rights critics in the United States from using recent arrests to place Vietnam back on the List of Countries of Particular Concern (CPC), which would be unwarranted in its eyes given continuing progress on religious freedom issues. The Ambassador agreed that Vietnam has made progress on the issue of religious freedom, and stated that he is unaware of any official consideration of putting Vietnam back on the CPC list.

¶20. (SBU) The Ambassador said he understands) but does not agree with - Vietnam's views of its security concerns, but emphasized that the USG has seen no evidence that any of the recently arrested dissidents have advocated violence. We do not support those who promote the use of violence, he explained, and in fact want to work with Vietnam to counter those actions. Rather, the United States views recent cases such as the convictions of lawyers Nguyen Van Dai and Le Thi Cong Nhan and others as freedom of speech issues, a fundamental value for the United States. Not only do we disagree with the recent arrests of individuals who were peacefully expressing their political views, but believe that the sentences are harsh in proportion to the so-called "crime" of which they are accused, the Ambassador said. Given that the Party is firmly in power and under no threat, the USG views recent actions, and the reliance on Article 88 (under which recent dissidents have been convicted), as attempts to stamp out freedom of speech and forestall any attempts to peacefully advocate for political change.

¶21. The Ambassador noted that the two sides need to come to

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some agreement about interactions with family members of jailed dissidents. He expressed his surprise at a recent statement by MFA official Duong Chi Dzong (at the Human Rights Dialogue) that, "the Ambassador is able to meet whomever he likes." This statement came one day after the Ambassador's second attempt to host the wives and mothers of several jailed dissidents (who themselves have not been accused of any crime) for tea. He asked that the MFA officials share the view with others in the GVN that recent

GVN steps against dissidents and actions to prevent the Ambassador and other Mission staff from meeting with family members and others only strengthen the groups overseas who are rallying support in opposition to the GVN and the bilateral relationship.

¶22. (SBU) In the context of increased concerns over human rights, VFM Bang promised that Vietnam would "give ammunition" to counter criticism in the United States) from Capitol Hill and elsewhere) in the run-up to President Triet's visit. For one thing, Bang said that the pace of arrests would likely slow down from now on (to which the Ambassador countered that many will believe that this is because there is no one left to arrest). In addition to the recent release of Phan Van Ban, Vietnam is considering an amnesty "in the next several weeks" for Nguyen Vu Binh as a gesture by Vietnam to fulfill DPM/FM Khiem's promise to Secretary Ricelast November. When pressed by the

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Ambassador, V Bang expressed confidence that this would happen before President Triet's visit and that the DPM/FM plans to write to the Secretary on this matter.

¶23. (SBU) Vietnam is also considering how to deal with (former NED fellow) Le Quoc Quan; the GVN understands well the sensitivities surrounding this particular case and acknowledged receiving a letter from Senator McCain urging Quan's release. Director General Que interjected that the GVN did not take action against Quan because of his connections to NED; rather, they are concerned about his alleged connections to the Viet Tan "terrorist group." VM Bang could not commit to anything during the dinner, but informed the Ambassador that they are considering how to deal with the case in a way that will help the atmosphere between our two countries. The Ambassador said that given concerns by U.S. political leaders over Mr. Quan's case, positive actions by the GVN would attract considerable attention.

¶24. (SBU) For its part, the GVN is asking that the United States "tone down the rhetoric" surrounding human rights, explaining that this request has come from "the highest levels," VFM Bang said. The Ambassador noted that recent arrests hurt Vietnam's image as it takes on a greater role internationally. That being said, he stressed his determination to seek a way to work together to prevent this issue from overshadowing the visit, noting that amnesty for Mr. Binh and positive action on Mr. Quan's case could improve the atmosphere and inject additional momentum in preparations for the President's visit. He also suggested that another way to demonstrate human rights progress would be through cooperative efforts in the area of strengthening rule of law, civil society and good governance, as Senator Leahy recently proposed to President Triet. Should the sides reach an agreement on this issue, it could be highlighted during the President's June visit.

Other Bilateral Issues

¶25. (U) The Ambassador lamented that the two sides have still not reached an agreement on land for a New Embassy Compound in Hanoi. He continues to hope that the two sides can reach agreement before he leaves Vietnam. Progress on an agreement to open new consulates/American Presence Posts could also be included, in general terms, in a possible joint statement if Vietnam and the United States can reach some agreement on this, including an equitable arrangement on consular districts. U.S. parents adopted more than 100 children in Vietnam last month, the Ambassador noted, but as this program expands, so too are the signs of fraud. The Ambassador urged Vietnam to set a schedule of fees to avoid baby-buying and other problems, and added that he intends to raise this with Finance Minister Ninh this week. Noting that our relationship is now mature enough, Ambassador Marine encouraged the MFA officials to respond to the draft Bilateral Work Agreement that the USG presented several months ago. This agreement would clearly benefit both sides,

he said.

A/S Hill's Visit

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126. (SBU) VFM Bang reported that the MFA has been making active preparations and is prepared to receive Assistant Secretary Hill during his May 23-24 visit to Hanoi. VFM Bang

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himself will unfortunately be in Seoul during the Assistant Secretary's visit; at the same time, VFM Le Cong Phung has to

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travel to Europe and VFM Nguyen Phu Binh will be in Tokyo. VFM Vu Dzung is therefore planning to host and meet with A/S Hill. Bang agreed that the Office of Government (OOG) Chairman Doan Manh Giao would also be a good interlocutor to discuss broad, cross-cutting issues.

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